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9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 -----X Docket: 2:07-cv-0148-RCJ(PAL)
DANIEL REYES and RODOLFO CORTES
11 Individually and on behalf of all
others similarly situated,
12 Plaintiffs, PLAINTIFF'S EMERGENCY
MOTION TO STAY ISSUANCE
13 OF ORDER OF DISMISSAL
v. AS DIRECTED BY DOCKET #222
14 COVER-ALL INC., THE HOME DEPOT, INC.
15 and HOME DEPOT U.S.A., INC.,
16 Defendants.
-----X

17
18 Plaintiff hereby submits this emergency motion to stay issuance
19 of an Order of Dismissal as Directed by Docket #222. This motion is
20 based upon the following declaration of plaintiff's counsel.

21 **DECLARATION OF COUNSEL**

22 Leon Greenberg, an attorney licensed to practice law in the
23 State of Nevada and duly admitted to the bar of this Court, hereby
24 declares, under penalty of perjury, that:

25 1. Today this Court had a status conference scheduled in this
26 case. There was no appearance by counsel for any party and the
27 Court entered a notation on its minutes that a written order shall
28 be issued dismissing this case. Docket #222.

2. The failure of counsel to appear at the status conference,

1 or otherwise advise the Court of the relevant status of this matter,
2 was due to an oversight and not willful neglect. I apologize to the
3 Court, on behalf of all counsel, for that oversight. I accept full
4 responsibility for the same, as I am ultimately responsible for my
5 staff's failure to place this matter on my office's calendar for
6 proper attention.

7 3. The parties have concluded their private settlement of this
8 matter, involving all claims and all parties, and have prepared a
9 stipulation of dismissal with prejudice and Order for the Court's
10 signature and entry. I have been awaiting, for the last one week,
11 authorization from defendants' counsel to file the same. I have
12 been advised that the form of such Order has been approved by
13 defendants, but I have not gotten clear authority from defendants'
14 counsel to file the same, and as a result I have not done so.

15 4. In light of the foregoing circumstances, I am most
16 respectfully requesting that the Court defer entering any written
17 order of dismissal for one week, until May 31, 2012, by which date I
18 am confident the parties will submit their stipulation and Order for
19 dismissal to the Court.

20 I have read the foregoing and affirm the same is true under
21 penalty of perjury.

22 ORDER

23 IT IS SO ORDERED.

24 
25 ROBERT C. JONES
Chief Judge

26 Dated: June 1, 2012
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